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11 Defendants

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14

15 Sanrio, Inc. and Warner Bros.
Entertainment Inc.,

16 Plaintiffs,

17 v.

18 Photallica Inc. d/b/a Photallica a/k/a
19 Photoallica a/k/a Photallica 2 a/k/a
20 Photallica II a/k/a Dhocallica; et al.,

21 Defendants.

Case No. CV09-7448 DMG
(AGRx)

CONSENT DECREE PURSUANT
TO STIPULATION [43]

22
23 The Court, having read and considered the Joint Stipulation for Entry of
24 Consent Decree that has been executed on behalf of Plaintiffs Sanrio, Inc. and Warner
25 Bros. Entertainment Inc. (collectively "Plaintiffs"), on the one hand, and Defendants
26 Photallica and Saquib Shoaib (collectively "Defendants"), on the other hand, and good
27 cause appearing therefor, hereby:
28

1 ORDERS that this Consent Decree shall be and is hereby entered in the within
2 action as follows:

3 1) This Court has jurisdiction over the parties to this action and over the subject
4 matter hereof pursuant to 17 U.S.C. § 101 et seq., 17 U.S.C. § 501, 15 U.S.C. § 1051
5 et seq., 15 U.S.C. § 1121, 28 U.S.C. §§ 1331 and 1338, and 28 U.S.C. § 1367.

6 2) Sanrio, Inc. is the owner of all rights in and to the copyright and trademark
7 registrations listed in Exhibits “A” and “B”, attached hereto and incorporated herein
8 by this reference, and the copyrights and trademarks associated with the same.

9 3) Warner Bros. Entertainment Inc. is the owner of all rights in and to the
10 copyright and trademark registrations listed in Exhibits “C” and “D” attached hereto
11 and incorporated herein by this reference, and the copyrights and trademarks
12 associated with the same. (The characters, images, trademarks and copyrights
13 identified in Exhibits A, B, C and D are collectively referred to herein as “Plaintiffs’
14 Properties.”)

15 4) Plaintiffs have expended considerable resources in the creation and commercial
16 exploitation of Plaintiffs’ Properties on merchandise such as clothing and other
17 products, and in the enforcement of their intellectual property rights in Plaintiffs’
18 Properties.

19 5) Plaintiffs have alleged that Defendants, and each of them, have made
20 unauthorized uses of Plaintiffs’ Properties or substantially similar likenesses or
21 colorable imitations thereof.

22 6) Defendants and their agents, servants, employees and all persons in active
23 concert and participation with them who receive actual notice of the injunction are
24 hereby restrained and enjoined from:

25 a) Infringing Plaintiffs’ copyrights and trademarks in Plaintiffs’ Properties,
26 either directly or contributorily, in any manner, including generally, but not
27 limited to manufacturing, importing, distributing, advertising, selling, offering
28

1 for sale, any unauthorized product which features any of Plaintiffs' Properties
2 ("Unauthorized Products"), and, specifically:

3 b) Importing, manufacturing, distributing, advertising, selling, offering for
4 sale, the Unauthorized Products or any other unauthorized products which
5 picture, reproduce, copy or use the likenesses of or bear a substantial similarity
6 to any of Plaintiffs' Properties;

7 c) Importing, manufacturing, distributing, advertising, selling, offering for
8 sale, renting or offering to rent in connection thereto any unauthorized
9 promotional materials, labels, packaging or containers which picture,
10 reproduce, copy or use the likenesses of or bear a confusing similarity to any of
11 Plaintiffs' Properties;

12 d) Engaging in any conduct that tends falsely to represent that, or is likely to
13 confuse, mislead or deceive purchasers, Defendants' customers and/or members
14 of the public to believe, the actions of Defendants, the products sold by
15 Defendants, or Defendants themselves are connected with Plaintiffs, are
16 sponsored, approved or licensed by Plaintiffs, or are affiliated with Plaintiffs;

17 e) Affixing, applying, annexing or using in connection with the importation,
18 manufacture, distribution, advertising, selling, offering for sale, or other use of
19 any goods or services, a false description or representation, including words or
20 other symbols, tending to falsely describe or represent such goods as being
21 those of Plaintiffs.

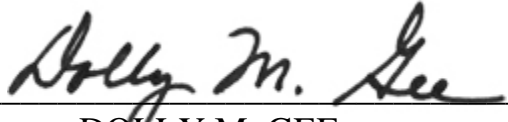
22 7) Each side shall bear its own fees and costs of suit.

23 8) This Consent Decree shall be deemed to have been served upon Defendants,
24 and each of them, at the time of its execution by the Court.

25 9) The Court finds there is no just reason for delay in entering this Consent Decree
26 and, pursuant to Rule 54(a) of the Federal Rules of Civil Procedure, the Court
27 directs immediate entry of this Consent Decree against Defendants.
28

1 10) The Court shall retain jurisdiction of this action to entertain such further
2 proceedings and to enter such further orders as may be necessary or appropriate
3 to implement and enforce the provisions of this Consent Decree.
4

5 Dated: January 31, 2011 _____

6 
7 _____
8 DOLLY M. GEE
United States District Judge

9 Presented By:

10 J. Andrew Coombs, A Prof. Corp.
11

12 By: _____
13 J. Andrew Coombs
Nicole L. Drey
14 Attorneys for Plaintiffs Sanrio, Inc. and
Warner Bros. Entertainment Inc.

15 Photallica
16

17 By: _____
18 Its:
Defendant

19 Saquib Shoaib
20

21 By: _____
22 Saquib Shoaib
Defendant and on behalf of Photallica
23
24
25
26
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28

EXHIBIT A**SANRIO CO.'S COPYRIGHTED DESIGNS**

Copyright Registration	Title of Work (Character)	Type of Work
VA 1 296 115	2004 – 100 Characters	Graphic Artwork
VA 811 440	Bad Badtz Maru	Graphic Artwork
VAu 498 617	Chococat	Art original
VA 130 420	Hello Kitty	Graphic Artwork
VA 636 579	KeroKeroKeroppi	Sticker Book
VA 246 421	Little Twin Stars	Stickers
VA 840 495	Monkichi	Graphic Artwork
VA 130 419	My Melody	Graphic Artwork
VA 130 421	Patty & Jimmy	Graphic Artwork
VA 636 582	Pekkle	Graphic Artwork
VA 840 496	Picke Bicke	Graphic Artwork
VA 636 580	Pochacco	Sticker Book
VA 148 625	Tuxedo Sam	Stickers
VA 840 494	Winkipinki	Graphic Artwork
VA 636-581	Zashikibuta	Stickers

EXHIBIT B**SANRIO'S TRADEMARKS**

Trademark	Mark Drawing Code	Trademark Registration No.	Trademark Registration Date
Chococat	Design Plus Words, Letters, and/or Numbers	2,842,707	5/18/04
Chococat	Design Plus Words, Letters, and/or Numbers	2,707,592	4/15/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,705,164	4/8/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,714,130	5/6/03
Chococat	Design Plus Words, Letters, and/or Numbers	2,952,043	5/17/05
Chococat	Design Plus Words, Letters, and/or Numbers	2,845,315	5/25/04
Hello Kitty	Design Only	1,200,083	7/6/82
Hello Kitty	Design Only	1,277,721	5/15/84
Hello Kitty	Typed Drawing	1,215,436	11/9/82
Hello Kitty	Typed Drawing	1,279,486	5/29/84
Hello Kitty	Typed Drawing	1,391,550	4/29/86
Hello Kitty	Design Only	1,370,105	11/12/85
Keroppi	Standard Character Mark	3,531,383	11/11/08
Keroppi	Standard Character Mark	3,181,350	12/5/06
Keroppi	Standard Character Mark	3,531,382	11/11/08
Keroppi	Standard Character Mark	3,181,349	12/5/06
Keroppi	Standard Character Mark	3,436,548	5/27/08
Keroppi	Standard Character Mark	3,181,348	12/5/06

1	Keroppi	Standard Character Mark	3,181,347	12/5/06
2	Keroppi	Standard Character Mark	3,449,938	6/17/08
3	Keroppi	Standard Character Mark	3,531,381	11/11/08
4	Keroppi	Standard Character Mark	3,531,380	11/11/08
5	Keroppi	Standard Character Mark	3,181,346	12/5/06
6	Keroppi	Standard Character Mark	3,423,288	5/6/08
7	Keroppi	Standard Character Mark	3,181,345	12/5/06
8	Little Twin Stars	Typed Drawing	1,341,864	6/18/85
9	Little Twin Stars	Typed Drawing	1,192,946	4/6/82
10	Little Twin Stars	Standard Character Mark	3,245,999	5/29/07
11	Little Twin Stars	Standard Character Mark	3,245,998	5/29/07
12	Little Twin Stars	Standard Character Mark	3,245,997	5/29/07
13	Little Twin Stars	Standard Character Mark	3,245,994	5/29/07
14	Little Twin Stars	Standard Character Mark	3,245,993	5/29/07
15	Little Twin Stars	Standard Character Mark	3,245,992	5/29/07
16	Little Twin Stars	Standard Character Mark	3,245,991	5/29/07
17	Monkichi	Standard Character Mark	Serial Number 77,154,633	n/a
18	Monkichi	Standard Character Mark	Serial Number 77,154,635	n/a
19	My Melody	Typed Drawing	1,305,637	11/20/84
20	My Melody	Typed Drawing	1,210,192	9/28/82
21	Pekkle	Typed Drawing	2,327,584	3/14/00
22	Pekkle	Typed Drawing	2,053,346	4/15/97
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Pochacco	Typed Drawing	2,236,507	4/6/99
Pochacco	Typed Drawing	1,985,358	7/9/96
Sanrio	Design Plus Words, Letters, and/or Numbers	2,506,705	11/13/01
Sanrio	Typed Drawing	2,506,577	11/13/01
Sanrio	Design Plus Words, Letters, and/or Numbers	2,721,680	6/3/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,742,381	7/29/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,721,679	6/3/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,693,639	3/4/03
Sanrio	Design Plus Words, Letters, and/or Numbers	2,696,063	3/11/03

EXHIBIT C**WARNER BROS.' COPYRIGHTED DESIGNS**

Copyright Registration	Title Of Work (Character)	Type of Work
VA32-457	Tasmanian Devil	Drawing
VA31-867	Sylvester	Stuffed, plush
VA31-868	Bugs Bunny	Stuffed, plush
VA31-869	Tweety	Stuffed, plush
VA31-870	Wile E. Coyote	Stuffed, plush
TXU 550963	Bugs Bunny (1992)	Style Guide
TXU 550472	Sylvester (1992)	Style Guide
TXU 550958	Sylvester Jr. (1992)	Style Guide
TXU 550444	Taz-Mania (1991)	Style Guide
TXU 550812	Tweety (1992)	Style Guide
TXU 550953	Wile E. Coyote (1992)	Style Guide
TXU 550962	Yosemite Sam (1992)	Style Guide
TXU 550471	Acme Road Gear (1992)	Style Guide
TXU-550463	Daffy Duck (1992)	Style Guide
TXU 550960	Elmer Fudd (1992)	Style Guide
TXU 550470	Looney Tunes Guidelines (1992)	Style Guide
TXU 550961	Marc Antony & Pussyfoot (1992)	Style Guide
TXU 550959	Marvin The Martian (1992)	Style Guide
TXU 550957	Pepe Le Pew & Penelope (1992)	Style Guide

TXU 551162	Porky Pig & Petunia Pig (1992)	Style Guide
TXU 550955	Road Runner (1992)	Style Guide
TXU 550964	Speedy Gonzales (1992)	Style Guide
TXU 557335	Tasmanian Devil (1992)	Style Guide
TXU 568671	The Warner Brothers (1992)	Style Guide

EXHIBIT D**WARNER BROS. TRADEMARKS**

Trademark Name	Registration No	Reg. Date
BUGS BUNNY	950381	January 9, 1973
BUGS BUNNY	2046053	March 18, 1997
DAFFY DUCK	1998415	September 3, 1996
ELMER FUDD	1997173	August 27, 1996
LOONEY TUNES	1574797	January 2, 1990
PORKY PIG	2062712	May 20, 1997
ROAD RUNNER	2000037	September 10, 1996
TASMANIAN DEVIL	2033589	January 28, 1997
TWEETY	1997174	August 27, 1996